

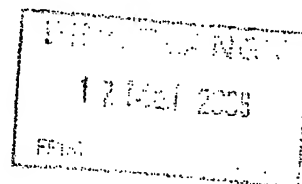
From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

SCHWARZ, Albin
Wipplingerstrasse 32/22
A-1010 Wien
AUTRICHE



Date of mailing (day/month/year) 11 May 2006 (11.05.2006)		
Applicant's or agent's file reference L 379-7339/zi	IMPORTANT NOTIFICATION	
International application No. PCT/AT2004/000262	International filing date (day/month/year) 21 July 2004 (21.07.2004)	
Applicant LENZING AKTIENGESELLSCHAFT et al		

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yolaine Cussac

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference L 379-7339/zi	FOR FURTHER ACTION		See item 4 below
International application No. PCT/AT2004/000262	International filing date (<i>day/month/year</i>) 21 July 2004 (21.07.2004)	Priority date (<i>day/month/year</i>) 21 July 2003 (21.07.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant LENZING AKTIENGESELLSCHAFT			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input checked="" type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 01 May 2006 (01.05.2006)
	Authorized officer Yolaine Cussac Telephone No. +41 22 338 70 80

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

Translation

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

Applicant's or agent's file reference

L 379-7339/zi

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/AT2004/000262

International filing date (day/month/year)

21.07.2004

Priority date (day/month/year)

21.07.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

LENZING AKTIENGESELLSCHAFT

This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AT2004/000262

Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____ which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AT2004/000262

Box No. II Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Form PCT/ISA/237 (Box No. II) (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AT2004/000262

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																										
<p>1. Statement</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; vertical-align: top;">Novelty (N)</td> <td style="width: 10%; vertical-align: top;">Claims</td> <td style="width: 50%; border-bottom: 1px solid black;">1-7</td> <td style="width: 10%; text-align: right; vertical-align: bottom;">YES</td> </tr> <tr> <td></td> <td style="vertical-align: top;">Claims</td> <td style="border-bottom: 1px solid black;">8</td> <td style="text-align: right; vertical-align: bottom;">NO</td> </tr> <tr> <td style="vertical-align: top;">Inventive step (IS)</td> <td style="vertical-align: top;">Claims</td> <td style="border-bottom: 1px solid black;">1-7</td> <td style="text-align: right; vertical-align: bottom;">YES</td> </tr> <tr> <td></td> <td style="vertical-align: top;">Claims</td> <td style="border-bottom: 1px solid black;">8</td> <td style="text-align: right; vertical-align: bottom;">NO</td> </tr> <tr> <td style="vertical-align: top;">Industrial applicability (IA)</td> <td style="vertical-align: top;">Claims</td> <td style="border-bottom: 1px solid black;">1-8</td> <td style="text-align: right; vertical-align: bottom;">YES</td> </tr> <tr> <td></td> <td style="vertical-align: top;">Claims</td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: right; vertical-align: bottom;">NO</td> </tr> </table>				Novelty (N)	Claims	1-7	YES		Claims	8	NO	Inventive step (IS)	Claims	1-7	YES		Claims	8	NO	Industrial applicability (IA)	Claims	1-8	YES		Claims		NO
Novelty (N)	Claims	1-7	YES																								
	Claims	8	NO																								
Inventive step (IS)	Claims	1-7	YES																								
	Claims	8	NO																								
Industrial applicability (IA)	Claims	1-8	YES																								
	Claims		NO																								
<p>2. Citations and explanations:</p> <p>1 This report makes reference to the following documents:</p> <p style="margin-left: 40px;">D1: WO 99/16705 A (BLACK ROBERT PAUL; FIBRETECH LIMITED (GB)) 8 April 1999 (1999-04-08)</p> <p style="margin-left: 40px;">D2: WO 95/35399 A (COURTAULDS FIBRES HOLDINGS LTD; GANNON JAMES MARTIN (GB); GRAVESON IA) 28 December 1995 (1995-12-28)</p> <p>2 <u>CLAIMS 1-7</u></p> <p style="margin-left: 40px;">Document D1 is considered the closest prior art. It discloses (cf. page 1, line 20 - page 2, line 8) the use of Lyocell staple fiber as a padding fiber, from which the subject matter of independent claim 1 differs in that the ratio of titer (dtex) to cut length (mm) of the Lyocell staple fiber is 0.10 or more.</p> <p>2.1 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).</p> <p style="margin-left: 40px;">The problem addressed by the present invention can therefore be considered that of reducing the tendency of padding fibers that contain Lyocell staple fibers to twist.</p>																											

Form PCT/ISA/237 (Box No. V) (January 2004)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AT2004/000262

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

2.2 The solution proposed for this problem in claim 1 of the present application involves an inventive step for the following reasons (PCT Article 33(3)): it is not obvious to the person skilled in the art that the Lyocell fibers mentioned in claim 1 have a lower tendency to twist.

2.3 Claims 2-7 are dependent on claim 1 and therefore also satisfy the PCT requirements for novelty and inventive step.

3 INDEPENDENT CLAIM 8

The present application does not satisfy the requirements of PCT Article 33(1) because the subject matter of claim 8 is not novel within the meaning of PCT Article 33(2). Document D2 discloses (cf. **example 1**) a nonwoven that contains staple fibers as per present claim 1. This nonwoven is suitable for upholstered furniture. The subject matter of claim 8 is consequently not novel (cf. PCT Guidelines, 5.23).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AT2004/000262

Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO 2004/023943	25.03.2004	08.09.2003	16.09.2002
WO 2004/070093	19.08.2004	16.01.2004	16.01.2003

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)Date of written disclosure
referring to non-written disclosure
(day/month/year)

See form 210

Form PCT/ISA/237 (Box No. VI) (January 2004)

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